



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

BIRMINGHAM TERMINAL
RAILWAY

Maintenance of Way
Employees

40 NMB No. 20

CASE NO. R-7338

DISMISSAL

December 12, 2012

The services of the National Mediation Board (Board) were invoked by the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) on September 28, 2012, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as "Maintenance of Way Employees," employees of Birmingham Terminal Railway (Carrier).

At the time this application was received, these employees were unrepresented.

The Board assigned Investigator Eileen Hennessey to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Clerical, Office, Station and Storehouse Employees, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Hennessey.

<u>Election Results for Maintenance of Way Employees</u>	
Eligible Employees	21
Total Valid Votes	17
SMART	4
Void Votes	0
“No” Votes	13

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

On the basis of the investigation and report of election which establishes that a majority of the valid votes cast was for no representation, the Board finds no basis for certification and the application is, therefore, dismissed subject to Part 1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel